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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JULIE JACOBY

07 Civ 4627 (LAK)(RLE)

Plaintiff,

NOTICE OF MOTION

-against-

HARTFORD LIFE AND ACCIDENT INSURANCE  
COMPANY,

Defendant.  
-----X

PLEASE TAKE NOTICE that, upon the annexed affirmation of Scott M. Riemer, dated March 3, 2009, together with exhibits thereto, and upon all prior proceedings herein, plaintiff will move this Court before the Honorable Lewis A. Kaplan, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, Courtroom 12D, on the \_\_\_<sup>th</sup> of \_\_\_\_\_, 2009, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order:

(a) enlarging the close of discovery from March 31, 2009 to April 30, 2009; and

(b) Compelling defendant to produce within 5 days hereof: (i) the documents

demand in Plaintiff's Request for Production of Documents dated February

9, 2009; and (ii) the documents and information ordered to be produced in the

Court's order dated January 23, 2009 (Jacoby v. Hartford Life and Acc. Ins.

Co., 254 F.R.D. 477 (S.D.N.Y. 2009)) and at the hearing of February 6, 2009,

including without limitation, the reports of Drs. William Sniger and Richard

Levy written with respect to Hartford claimants during the years 2005-2008;  
and

(c) holding defendant in contempt for failing to satisfy the requirements of the  
Court's January 23, 2009 Order; and

(d) ordering defendant to pay to the plaintiff a sum sufficient to serve the interests  
of penalizing defendant for its failure to abide by an order of this court,  
detering the defendant from such future conduct, and compensating the  
plaintiff for its time and expense in seeking to secure the very documents that  
this court has ordered the defendant to produce; and

(e) ordering defendant to pay to the Clerk of this Court in the amount of  
\$10,000.00 per day for each day from February 22, 2009 that the documents  
remain withheld; and

(f) awarding to plaintiff" an appropriate sum of attorneys' fees, after first  
permitting plaintiff's to file supporting affirmations. Plaintiff's counsel shall  
file affirmations within ten days of this Court's order.

and for such other relief as the Court deems just and proper.

Dated: New York, New York  
March 3, 2009

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By: /s/ Scott M. Riemer  
Scott M. Riemer (SR5005)

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